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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,548	07/03/2003	James A. Stevens	5142-001	6693

24112 7590 03/09/2005

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EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,548

Applicant(s)

STEVENS ET AL.

Examiner

Tan Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 24-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 34-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the second office action for serial number 10/613,548. This application contains 55 claims numbered 1-55.

2. Applicant's election with traverse of Group I, claims 1-23, the species of Figures 2-19 in the reply filed on November 1, 2004 is acknowledged. The traversal is on the grounds that "the examiner's classification of the different independent claims in the instant application are in error, and the examiner's accompanying arguments supporting his claim groupings are inaccurate. Although the argument is not found to be persuasive in part because Applicants' argument regarding the species is not found persuasive and Applicants has failed to include an identification of the species that is elected *consonant* with the requirement and *a listing of all claims readable thereon* as required under 35 U.S.C 121. The examiner however, has reconsidered the argument and that claims 34-55 should have not been restricted as different classifications for the reasons pointed out in the previous election requirement. In addition to the reconsideration, the examiner has further withdrawing the species requirement and the restriction for claims 34-54 which was listed Groups III and Group IV in the previous office action to facilitate the prosecution of the case. Applicants' argument on group II, claims 24-33, which was drawn to a method of reinforcing system is not found persuasive although examiner appreciates the typo error pointing out by Applicants. Accordingly, claims 1-23 and 34-55 will be examined as follows:

3. Claims 24-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Drawings

4. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are also objected under 37 CFR 1.84: Fig. 4, 5A, 8A each appears to have more than just one part/figure. Each part/figure must have a Figure number, or Applicants must show a linked bracket indicating that the linked parts are belonged to one figure.

Numbering of sheets drawings has also not been shown. Correction is required.

Specification

5. The disclosure is objected to because of the following informalities:
- On page 7, line 9, "Figs 5A-6F" should be changed to -- Figs 5A-6C --
- On page 7, line 23, "Fig. 4B" should be changed to -- Fig. 4 --.

On page 13, paragraph 0042, "sleeve nuts 52 " should be changed to – sleeve nuts 62 --.

On page 18, paragraph 0058, "leg 2" should be changed to – leg 42 --

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 and 34-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected as being inconsistent between the language in the preamble and certain portions in the body of the claims, thereby making the scope of the claims unclear. Applicant is required to clarify what the claim is intended to be drawn to i.e, either an assembly alone or the combination of the assembly and the existing tower and the language of the claim be consistent with the intent. In formulating a rejection on the merits, the examiner is considering that the claim is drawn to the combination.

Claim 34 and 45 are rejected as being inconsistent between the language in the preamble and certain portions in the body of the claims, thereby making the scope of the claims unclear. Applicant is required to clarify what the claim is intended to be drawn to i.e, either a tower reinforced system alone or the combination of the tower

reinforced system and the existing tower and the language of the claim be consistent with the intent. In formulating a rejection on the merits, the examiner is considering that the claim is drawn to the combination.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-8, 16-23, 34-44, 45-47 and 50-55 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,108,996 to McGinnis.

McGinnis teaches an assembly for reinforcing an existing tower, the assembly comprising: a plurality of reinforcing legs (33) (Fig. 1), with each reinforcing leg (33) mounted adjacent a leg of the existing tower (11) such that the reinforcing leg shares loads with the leg; a plurality of braces (35), with each brace connected to and extending between pairs of reinforcing legs mounted on adjacent legs (13) of the existing tower (11); and wherein the plurality of reinforcing legs and braces form a reinforcing structural network that extends around at least a portion of the existing tower.

Regarding claim 2, wherein the existing tower comprises a series of sections (Col. 2, lines 36-40) substantially stacked one over the other, with each section including a series of legs and wherein there is provided joints between respective legs

of adjacent sections of the existing tower, and wherein one or more of the plurality of legs is configured to be mounted adjacent a leg in a section of the existing tower and interposed between a pair of section joints such that the reinforcing leg shares loads transferred through the section joints.

Regarding claim 3, wherein the braces (35) are configured to connect to and extend between pairs of reinforcing legs in each section of the existing tower, such that the reinforcing legs and braces form a reinforcing structural network that extends around at least a portion of the existing tower.

Regarding claim 4, wherein the reinforcing legs include shim joints (43) for accommodating tower dimensional variances by adjusting nominal lengths of the reinforcing legs

Regarding claim 7, wherein the plurality of reinforcing legs comprises at least a set of reinforcing legs for each section of the existing tower to be reinforced.

Regarding claim 8, wherein the plurality of braces comprises at least a set of braces for each pair of reinforcing legs in a set of reinforcing legs and wherein there is provided a set of reinforcing legs for each section of the existing tower to be reinforced.

Regarding claim 16, wherein the reinforcing legs each comprise one or more rigid reinforcing leg sections, and wherein consecutive reinforcing leg sections of a given reinforcing leg are rigidly interconnected to achieve a desired length.

Regarding claim 17, wherein one or more of the reinforcing legs comprises two or more rigid reinforcing leg sections interconnected via bridging members (57).

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Regarding claim 18, wherein the reinforcing legs each comprise a corner member that wraps around adjacent tower faces to thereby provide mounting faces running lengthwise on either side of a leg of the existing tower.

Regarding claim 19, wherein the braces mount across a tower face by attaching to corresponding mounting faces of pairs of reinforcing legs.

Regarding claim 20, wherein the braces include mounting points that align with one of more of the mounting holes in the corresponding mounting faces of the pairs of reinforcing legs.

Regarding claim 21, further comprising a guy pull-off accessory (81, 83, 93) configured to mount to a reinforcing leg rather than to a leg of the existing tower.

Regarding claim 22, McGinnis further comprising a boom gate mount (143) (see other embodiment of Fig. 9, for example) configured to mount to a reinforcing leg rather than a leg of the existing tower.

Regarding claim 23, wherein the reinforcing legs comprise lengths of angled plate material, and wherein each reinforcing leg is configured to at least partially fit around a tower leg to which it is mounted.

Claims 34-44, 45-47 and 50-55 recited limitations similar to those recited in claims 1-4, 7-8 and 16-23 are therefore also disclosed by McGinnis where the bearing plate in this case could read as element 43.

Allowable Subject Matter

9. Claims 5-6, 9-15 and 48-49 are rejected but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,745,539 to Heim

6,343,445 to Ryan

4,216,636 to Cordell

3,368,319 to Werner et al.

3,112,015 to Anderson

4,934,114 to Lindsey

US 2005/0001131A1 to Stevens et al.

The above patents disclose various types of tower assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

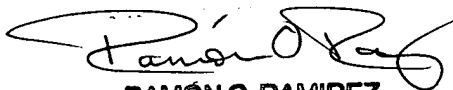
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

Tan Le
Patent examiner
March 1, 2005


RAMON O. RAMIREZ
PRIMARY EXAMINER